

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-28660 - REVIEW OF CONDITION - PUBLIC HEARING -

APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Condition Number Two is hereby removed.
2. Condition Number Three is hereby removed.
3. Conformance to the Conditions of Approval for Special Use Permit (U-0072-00) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition Number Two, to not provide a landscaping plan showing 24-inch box trees spaced 20 feet on center, and a Review of Condition Number Three, to not provide a six-foot wall with a minimum 20 percent contrasting material, of an approved Special Use Permit (U-0072-00) that allowed a Church/House of Worship at 330 North 9th Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/18/00	The City Council approved a Special Use Permit (U-0072-00) to allow the church/house of worship on this site. The Planning Commission and staff recommended approval on September 14, 2000.
01/22/03	The City Council approved an Extension of Time (EOT-1227) for the Special Use Permit (U-0072-00) which allowed the church/house of worship on this site. The Planning Commission and staff recommended approval on December 19, 2002.
08/20/03	Vehicle infractions, Code Enforcement cases #3095 and #3096, for car and recreational vehicle (motor home) stored on street.
11/17/04	The City Council approved an Extension of Time (EOT-5421) of an approved Special Use Permit (U-0072-00) which allowed a Church/House of Worship at 330 N. 9 th Street. Staff recommended approval of the request.
05/18/06	Code Enforcement case #42274 for vacant house with broken windows. This case was resolved 07/16/06.
11/01/06	The City Council approved an Extension of Time (EOT-17091) of an approved Special Use Permit (U-0072-00) which allowed a Church/House of Worship at 330 N. 9 th Street. Staff recommended approval of the request. NOTE: This Extension of Time (EOT-17091) will expire on 10/18/08.
<i>Related Building Permits/Business Licenses</i>	
Although a Church/House of Worship does not require a business license, there are no building permits on file on this address for any type of tenant improvements or civil plans for the driveways and parking lots. There is a small monument sign installed at the corner of 9 th Street and Mesquite Avenue that does not have any record of sign permit.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

Field Check	
07/02/08	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • Undersized cypress trees installed in the . • An existing monument sign is located at the front of the property with no record of an approved sign permit. • Existing, three-foot high non-conforming wire fence installed along a –foot portion of the southern property line with the remaining portion screened by a wooden fence located on the adjacent property.

Details of Application Request	
Site Area	
Net Acres	0.25 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church/House of Worship	MXU (Mixed-Use)	R-4 (High Density Residential)
North	Single Family Dwelling	MXU (Mixed-Use)	R-2 (Medium-Low Density Residential)
South	Single Family Dwelling	MXU (Mixed-Use)	R-4 (High Density Residential)
East	Multi-Family Dwelling	MXU (Mixed-Use)	R-4 (High Density Residential)
West	Single Family Dwelling	MXU (Mixed-Use)	R-3 (Medium Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	X		
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

ANALYSIS

Since the initial approval of a Special Use Permit (U-0072-00) granted by the City Council on 11/17/04 there have been three Extensions of Time for the subject property with ongoing issues regarding the failure to comply with the conditions of approval. Currently at issue is the lack of the 24-inch box-sized trees planted 20-feet on center along the north and west property lines where six undersized (five-gallon, approximately) Cypress pines have been planted. Also, the applicant is seeking to not install a 6-foot perimeter wall along the south property line where a three-foot tall wire fence and wooden-post fence exists. The applicant has completed construction of on-site parking and believes that the existing conditions adequately satisfy the conditions listed below for Special Use Permit U-0072-00.

2. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first. The plan shall show the addition of 24 inch box trees spaced 20 feet on center along the north and west property lines.
3. Replace the existing chain link fence on the south property line with a 6 foot tall decorative perimeter wall with a minimum of 20 percent contrasting material, as required by the Planning and Development Department.

FINDINGS

Staff recommends denial of the requested Review of Conditions as there is no substantial reason to eliminate the requirements for a screening wall or landscaping. Staff finds that the elimination of these requested conditions will adversely affect the adjacent residential properties and will not contribute to the overall harmony of the neighborhood. Therefore, staff recommends denial of the Review of Condition to Conditions Number Two and Three and that applicant install the appropriate landscaping materials and screening wall as agreed to by the approval of Special Use Permit (U-0072-00).

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

166 by Planning Department

APPROVALS

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PROTESTS

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